

Draft

PERMIT

Permit No: 200904020-KF

Municipality: Darien

Work Area: Five Mile River off property located at 129 Five Mile River Road

Permittee: Foster Kaali-Nagy
70 Pine Street
New Canaan, CT 06840

Pursuant to sections 22a-359 through 22a-363f of the Connecticut General Statutes ("CGS") and in accordance with CGS section 22a-98 and the Connecticut Water Quality Standards dated December 2002, a permit is hereby granted by the Commissioner of Environmental Protection ("Commissioner") to remove a derelict structure, retain two sets of concrete steps, two stone seawalls for shoreline flood and erosion control and install a dock for recreational boating use, as is more specifically described below in the SCOPE OF AUTHORIZATION, in Five Mile River off property identified as the "work area" above.

*******NOTICE TO PERMITTEES AND CONTRACTORS*******

UPON INITIATION OF ANY WORK AUTHORIZED HEREIN, THE PERMITTEE ACCEPTS AND AGREES TO COMPLY WITH ALL TERMS AND CONDITIONS OF THIS PERMIT. FAILURE TO CONFORM TO THE TERMS AND CONDITIONS OF THIS PERMIT MAY SUBJECT THE PERMITTEE AND ANY CONTRACTOR TO ENFORCEMENT ACTIONS, INCLUDING INJUNCTIONS AS PROVIDED BY LAW AND PENALTIES UP TO \$1,000.00 PER DAY PURSUANT TO THE ADMINISTRATIVE CIVIL PENALTY POLICY DESCRIBED IN SECTIONS 22a-6b-1 THROUGH 22a-6b-15 OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES.

SCOPE OF AUTHORIZATION

The Permittee is hereby authorized to conduct the following work as described in application #200904020-KF including 5 sheets of plans dated April 1, 2008, submitted by the Permittee to the Commissioner and attached hereto, as follows:

1. retain approximately 40 linear feet and 48 linear feet of existing stone seawalls;
2. retain two existing sets of 4.0' x 7.5' and 2.5' x 3.0' concrete access steps;
3. remove approximately 14' of stone seawall located on the northern side of the 2.5' x 3.0 concrete steps;

4. install a 4'x 38' fixed timber pier, a 3' x 35' aluminum gangway, and a 3' x 5' ramp support float and a 5' x17' floating dock with 2 support pilings.

SPECIAL TERMS AND CONDITIONS

1. The Permittee shall establish a minimum of a 2 foot setback from any wetlands or watercourses in and adjacent to the area where work authorized in the SCOPE OF AUTHORIZATION, paragraph 3., above is conducted or areas which are to be used for access to the work area. Such setback area(s) shall be flagged so as to be readily identifiable by contractor personnel until the work authorized hereunder is completed.
2. The activity authorized in the SCOPE OF AUTHORIZATION paragraph 3., above, shall be conducted using hand-held equipment only during a low tide. At no time shall heavy equipment be driven on the marsh surface.
3. Derelict structure removal authorized in the SCOPE OF AUTHORIZATION, paragraph #3., above, shall be conducted prior to the work authorized in paragraph 4. Such material shall be disposed of at an upland location approved for the disposal of such waste material, as applicable.
4. The Permittee shall ensure that all work associated with the driving of piles by a water-based barge be conducted during periods of high water only in order to ensure that the barge does not rest on or come in contact with bottom substrates. Any such barge must move to deeper waters during periods of low water. It shall not be a defense to this provision for the Permittee to assert that they have no control over the operation of the barge.
5. The Permittee shall ensure that the barge used for work, authorized herein, does not rest on or come in contact with the bottom of Five Mile River.
6. The Permittee shall ensure that all heavy equipment and materials be stored landward of the high tide line or on the barge at all times.
7. Except as specifically authorized by this permit, no equipment or material, including but not limited to, fill; construction materials, excavated material or debris, shall be deposited, placed or stored in any wetland or watercourse on or off-site, nor shall any wetland or watercourse be used as a staging area or accessway other than as provided herein.
8. Not later than two weeks prior to the commencement of any work authorized herein, the Permittee shall submit to the Commissioner, on the form attached hereto as Appendix A, the name(s) and address(es) of any contractor(s) employed to conduct such work and the expected date for commencement and completion of such work.
9. The Permittee shall give a copy of this permit to the contractor(s) who will be carrying out the activities authorized herein prior to the start of construction and shall receive a written receipt for such copy, signed and dated by such contractor(s). The Permittee's contractor(s) shall conduct all

operations at the site in full compliance with this permit and, to the extent provided by law, may be held liable for any violation of the terms and conditions of this permit.

10. On or before (a) 90 days after completion of the work authorized herein, or (b) upon expiration of the work completion date or any authorized one year extension thereof, whichever is earlier, the Permittee shall submit to the Commissioner "as-built" plans prepared and sealed by a licensed engineer, licensed surveyor or licensed architect, as applicable, of the work area showing all tidal datums and structures.

GENERAL TERMS AND CONDITIONS

1. All work authorized by this permit shall be completed within five years from date of issuance of this permit ("work completion date") in accordance with all conditions of this permit and any other applicable law.
 - a. The Permittee may request a one-year extension of the work completion date. Such request shall be in writing and shall be submitted to the Commissioner at least 30 days prior to said work completion date. Such request shall describe the work done to date, work which still needs to be completed and the reason for such extension. The Commissioner shall grant or deny such request at her sole discretion.
 - b. Any work authorized herein conducted after said work completion date or any authorized one-year extension thereof is a violation of this permit and may subject the Permittee to enforcement action, including penalties, as provided by law.
2. In conducting the work authorized herein, the Permittee shall not deviate from the attached plans, as may be modified by this permit. The Permittee shall not make de minimis changes from said plans without prior written approval of the Commissioner.
3. The Permittee shall maintain all structures or other work authorized herein in good condition. Any such maintenance shall be conducted in accordance with applicable law including, but not limited to, CGS sections 22a-28 through 22a-35 and CGS sections 22a-359 through 22a-363f.
4. Prior to the commencement of any work authorized hereunder, the Permittee shall cause a copy of this permit to be given to any contractor(s) employed to conduct such work. At the work area the Permittee shall, whenever work is being performed, make available for inspection a copy of this permit and the final plans for the work authorized herein.
5. The Permittee shall notify the Commissioner in writing of the commencement of any work and completion of all work authorized herein no later than three days prior to the commencement of such work and no later than seven days after the completion of such work.
6. All waste material generated by the performance of the work authorized herein shall be disposed of by the Permittee at an upland site approved for the disposal of such waste material, as applicable.
7. In undertaking the work authorized hereunder, the Permittee shall not cause or allow pollution of

wetlands or watercourses, including pollution resulting from sedimentation and erosion. For purposes of this permit, "pollution" means "pollution" as that term is defined by CGS section 22a-423.

8. Upon completion of any work authorized herein, the Permittee shall restore all areas impacted by construction, or used as a staging area or accessway in connection with such work, to their condition prior to the commencement of such work.
9. Any document required to be submitted to the Commissioner under this permit or any contact required to be made with the Commissioner shall, unless otherwise specified in writing by the Commissioner, be directed to:

Permit Section
Office of Long Island Sound Programs
Department of Environmental Protection
79 Elm Street
Hartford, Connecticut 06106-5127
(860) 424-3034
Fax # (860) 424-4054

10. The date of submission to the Commissioner of any document required by this permit shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under this permit, including but not limited to notice of approval or disapproval of any document or other action, shall be the date such notice is personally delivered or the date three days after it is mailed by the Commissioner, whichever is earlier. Except as otherwise specified in this permit, the word "day" as used in this permit means calendar day. Any document or action which is required by this permit to be submitted or performed by a date which falls on a Saturday, Sunday or a Connecticut or federal holiday shall be submitted or performed on or before the next day which is not a Saturday, Sunday, or a Connecticut or federal holiday.
11. The work specified in the SCOPE OF AUTHORIZATION is authorized solely for the purpose set out in this permit. No change in the purpose or use of the authorized work or facilities as set forth in this permit may occur without the prior written authorization of the Commissioner. The Permittee shall, prior to undertaking or allowing any change in use or purpose from that which is authorized by this permit, request authorization from the Commissioner for such change. Said request shall be in writing and shall describe the proposed change and the reason for the change.
12. This permit may be revoked, suspended, or modified in accordance with applicable law.
13. This permit is not transferable without prior written authorization of the Commissioner. A request to transfer a permit shall be submitted in writing and shall describe the proposed transfer and the reason for such transfer. The Permittee's obligations under this permit shall not be affected by the passage of title to the work area to any other person or municipality until such time as a transfer is authorized by the Commissioner.
14. The Permittee shall allow any representative of the Commissioner to inspect the work authorized herein at reasonable times to ensure that it is being or has been accomplished in accordance with the

terms and conditions of this permit.

15. In granting this permit, the Commissioner has relied on representations of the Permittee, including information and data provided in support of the Permittee's application. Neither the Permittee's representations nor the issuance of this permit shall constitute an assurance by the Commissioner as to the structural integrity, the engineering feasibility or the efficacy of such design.
16. In the event that the Permittee becomes aware that he did not or may not comply, or did not or may not comply on time, with any provision of this permit or of any document required hereunder, the Permittee shall immediately notify the Commissioner and shall take all reasonable steps to ensure that any noncompliance or delay is avoided or, if unavoidable, is minimized to the greatest extent possible. In so notifying the Commissioner, the Permittee shall state in writing the reasons for the noncompliance or delay and propose, for the review and written approval of the Commissioner, dates by which compliance will be achieved, and the Permittee shall comply with any dates which may be approved in writing by the Commissioner. Notification by the Permittee shall not excuse noncompliance or delay and the Commissioner's approval of any compliance dates proposed shall not excuse noncompliance or delay unless specifically stated by the Commissioner in writing.
17. In evaluating the application for this permit the Commissioner has relied on information and data provided by the Permittee and on the Permittee's representations concerning site conditions, design specifications and the proposed work authorized herein, including but not limited to representations concerning the commercial, public or private nature of the work or structures authorized herein, the water-dependency of said work or structures, its availability for access by the general public, and the ownership of regulated structures or filled areas. If such information proves to be false, deceptive, incomplete or inaccurate, this permit may be modified, suspended or revoked, and any unauthorized activities may be subject to enforcement action.
18. The Permittee may not conduct work waterward of the high tide line or in tidal wetlands at this permit site other than the work authorized herein, unless otherwise authorized by the Commissioner pursuant to CGS section 22a-359 et. seq. and/or CGS section 22a-32 et. seq.
19. The issuance of this permit does not relieve the Permittee of his obligations to obtain any other approvals required by applicable federal, state and local law.
20. Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under this permit shall be signed by the Permittee and by the individual or individuals responsible for actually preparing such document, each of whom shall certify in writing as follows: "I have personally examined and am familiar with the information submitted in this document and all attachments and certify that based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief, and I understand that any false statement made in this document or its attachments may be punishable as a criminal offense."

21. This permit is subject to and does not derogate any present or future property rights or powers of the State of Connecticut, and conveys no property rights in real estate or material nor any exclusive privileges, and is further subject to any and all public and private rights and to any federal, state or local laws or regulations pertinent to the property or activity affected hereby.

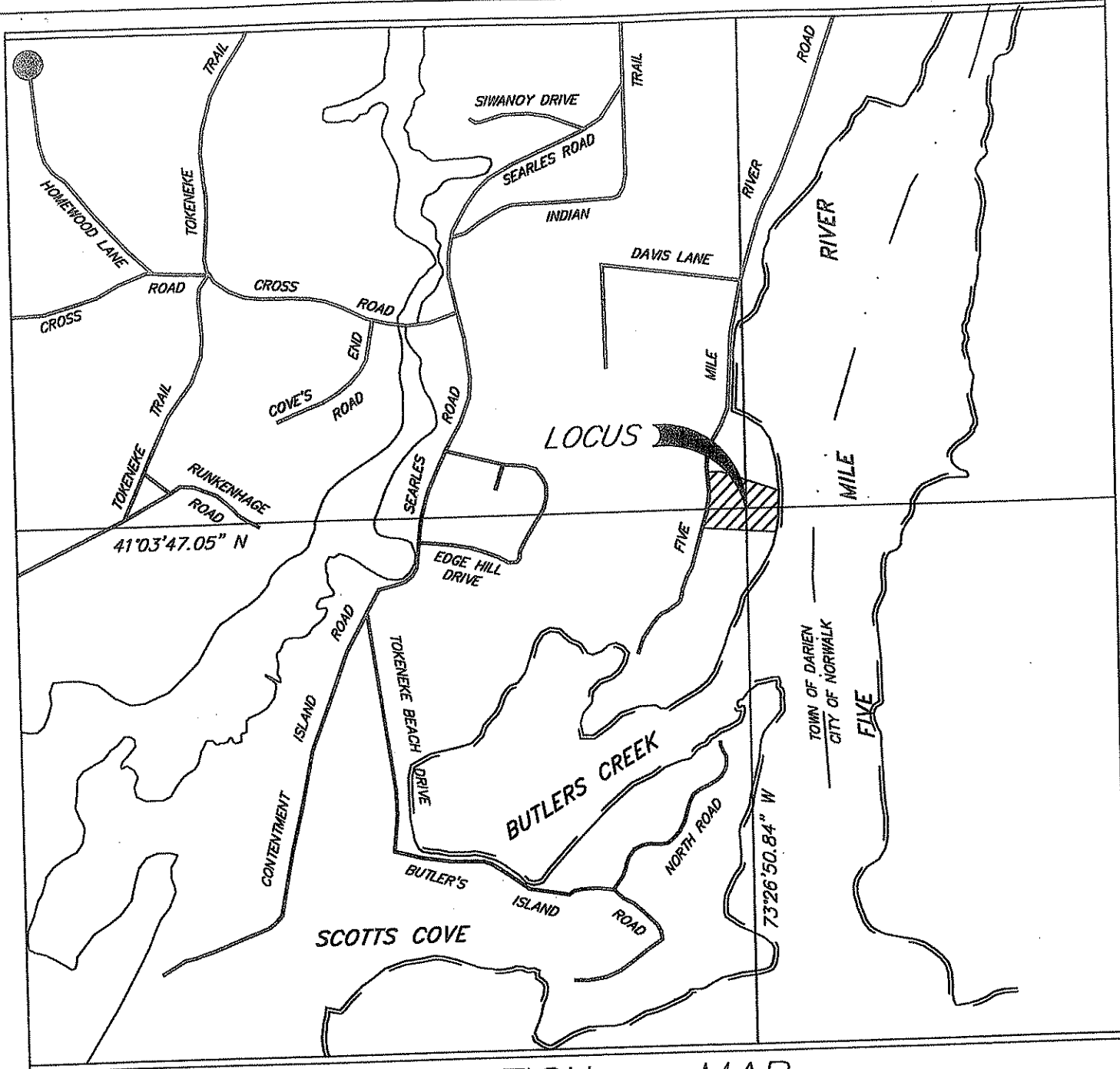
Issued on _____, 2010

STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Betsey Wingfield
Bureau Chief
Bureau of Water Protection and Land Reuse

Permit Application No. 200904020-KF
Foster Kaali-Nagy, Darien

Certified Mail # _____

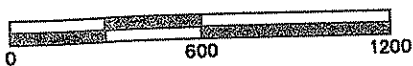


LOCATION MAP

TAX ASSESSORS MAP 67, LOT 3-2, ZONE: R - 1/2.

PERMITTING AGENT
JAMES J. BAJEK, LLC
36 POTTER ROAD
WILTON, NEW HAMPSHIRE 03086
PHONE 603-654-5350
FAX 603-654-5610
JJBBAJEK@COMCAST.NET

SCALE : 1" = 600'



LOCUS MAP
PREPARED FOR

FOSTER KAALI - NAGY
125 FIVE MILE RIVER ROAD
DARIEN, CONNECTICUT

SCALE: 1" = 600 FT.

APRIL 1, 2008

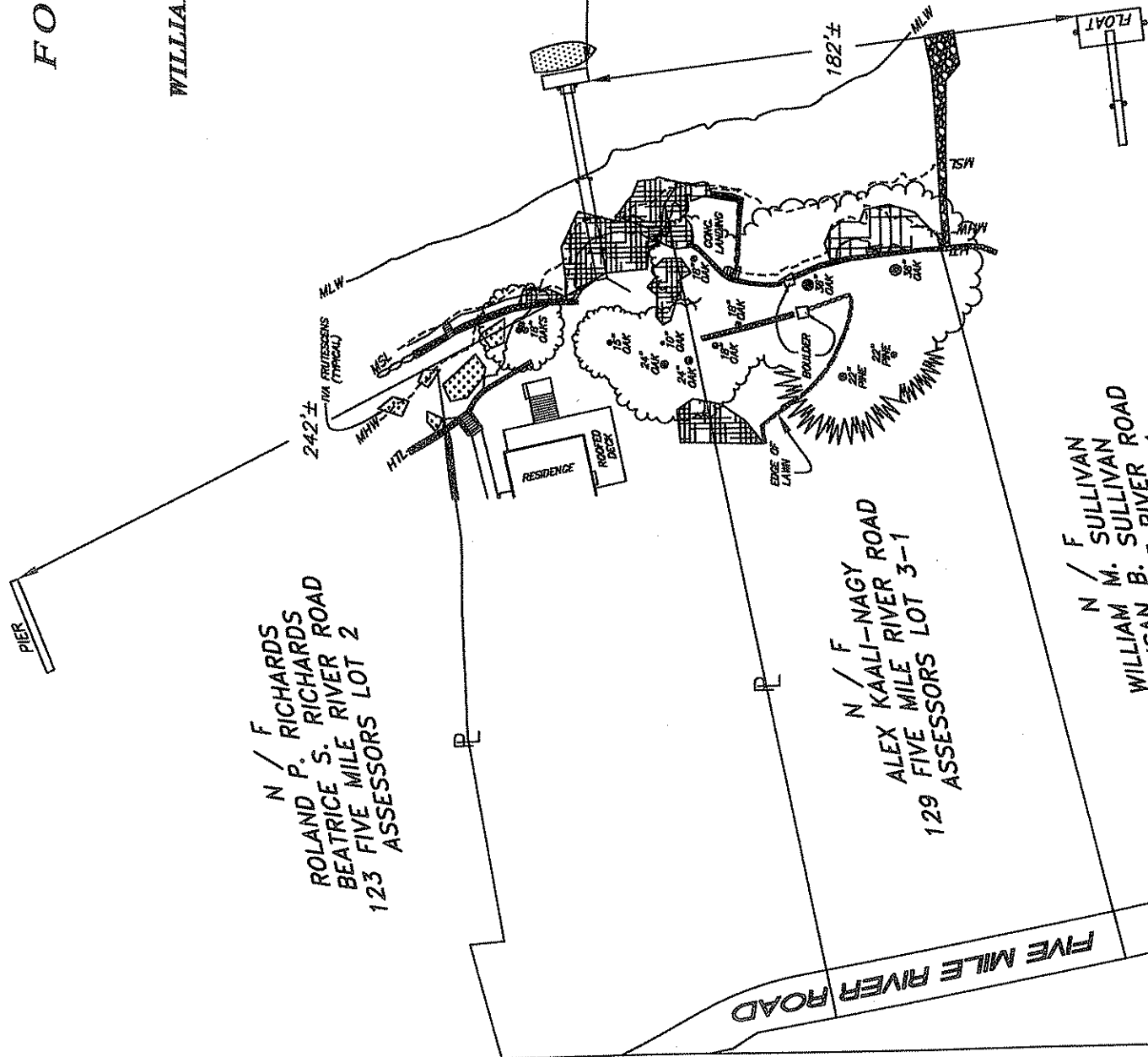
WILLIAM W. SEYMOUR & ASSOCIATES, P.C.
LAND SURVEYORS ~ DARIEN, CONN. ©

PROXIMITY MAP
PREPARED FOR

FOSTER KAALI-NAGY
125 FIVE MILE RIVER ROAD
DARIEN, CONNECTICUT

SCALE: 1" = 60 FT. APRIL 1, 2008

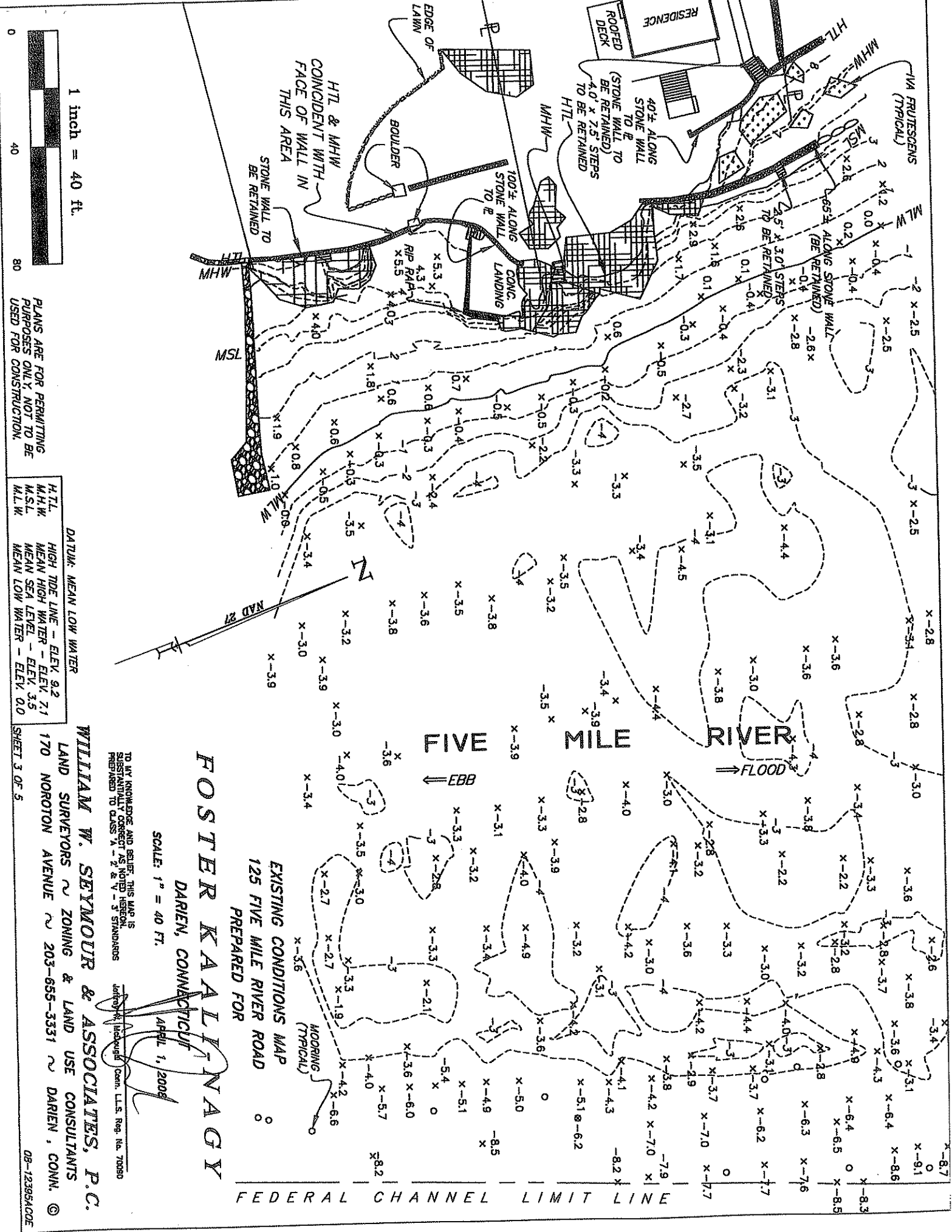
WILLIAM W. SEYMOUR & ASSOCIATES, P.C.
LAND SURVEYORS ~ DARIEN, CONN.



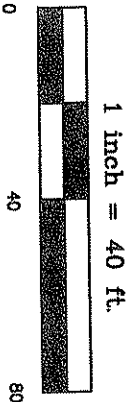
DATUM: MEAN LOW WATER

H.T.L. HIGH TIDE LINE - ELEV. 9.2
M.H.W. MEAN HIGH WATER - ELEV. 7.1
M.S.L. MEAN SEA LEVEL - ELEV. 3.5
M.L.W. MEAN LOW WATER - ELEV. 0.0

PLANS ARE FOR PERMITTING
PURPOSES ONLY, NOT TO BE
USED FOR CONSTRUCTION.



HTL & MHW
 COINCIDENT WITH
 FACE OF WALL IN
 THIS AREA
 STONE WALL TO
 BE RETAINED
 MSL
 NAD 21
 FIVE MILE RIVER
 FLOOD
 EBB
 EXISTING CONDITIONS MAP
 125 FIVE MILE RIVER ROAD
 PREPARED FOR
 FOSTER KAALINAGY
 DARIEN, CONNECTICUT
 APRIL 1, 2006
 WILLIAM W. SEYMOUR & ASSOCIATES, P.C.
 LAND SURVEYORS ~ ZONING & LAND USE CONSULTANTS
 170 NOROTON AVENUE ~ 203-655-3331 ~ DARIEN, CONN. ©
 SHEET 3 OF 5
 TO MY KNOWLEDGE AND BELIEF, THIS MAP IS
 SUBSTANTIALLY CORRECT AS SHOWN HEREON
 PREPARED TO CLASS A - 2 & V - 3 STANDARDS
 Jeffrey K. Hagedorn Comm. L.L.S. Reg. No. 70080
 DATE: MEAN LOW WATER
 HTL: HIGH TIDE LINE - ELEV. 9.2
 M.H.W.: MEAN HIGH WATER - ELEV. 7.1
 MSL: MEAN SEA LEVEL - ELEV. 3.5
 M.L.W.: MEAN LOW WATER - ELEV. 0.0
 1 inch = 40 ft.
 PLANS ARE FOR PERMITTING
 PURPOSES ONLY, NOT TO BE
 USED FOR CONSTRUCTION.
 0 40 80
 08-123954CODE

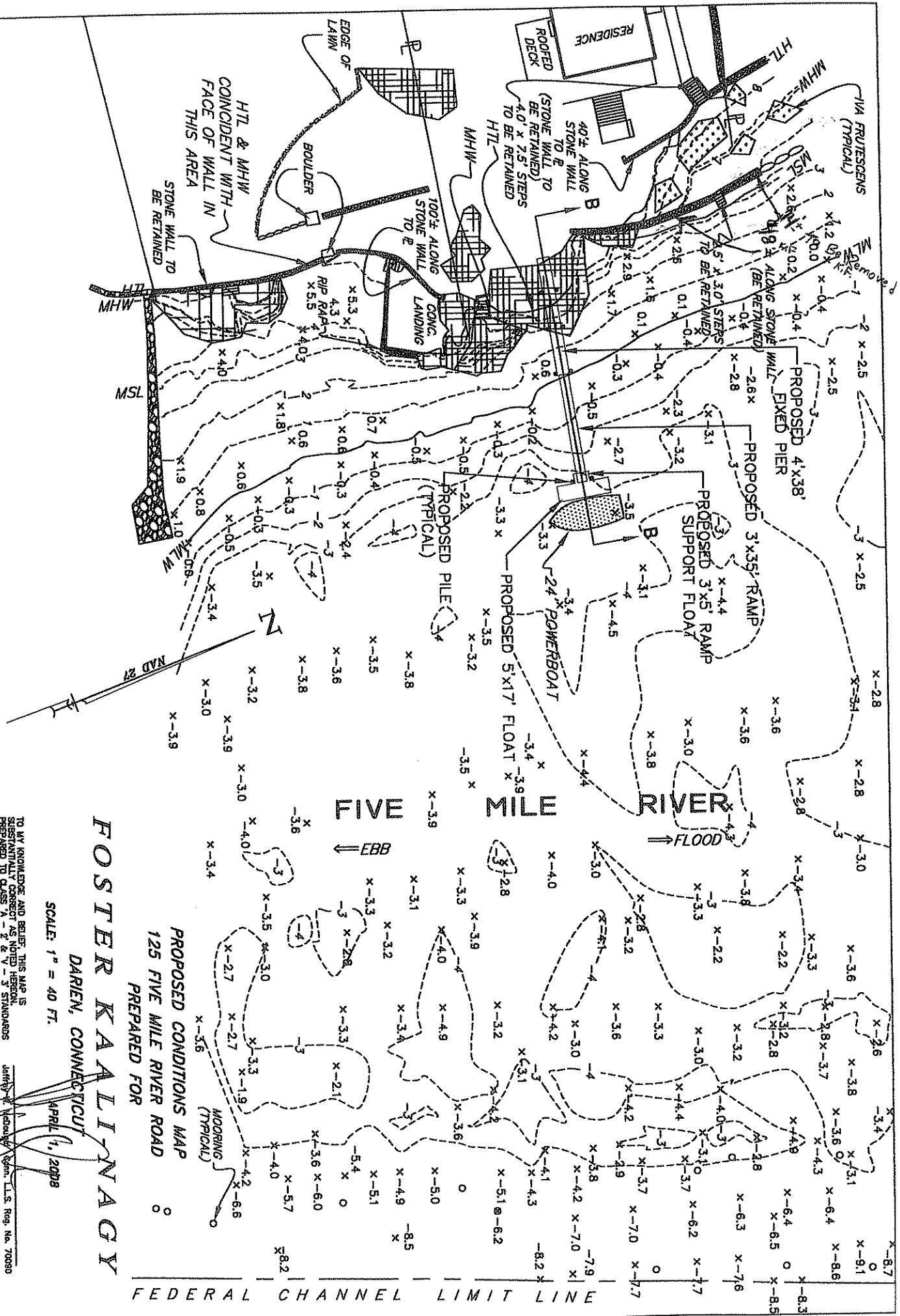


PLANS ARE FOR PERMITTING PURPOSES ONLY, NOT TO BE USED FOR CONSTRUCTION.

DATE: MEAN LOW WATER	
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WILLIAM W. SEYMOUR & ASSOCIATES, P.C.
LAND SURVEYORS ~ ZONING & LAND USE CONSULTANTS
170 NOROTON AVENUE ~ 203-655-3331 ~ DARIEN, CONN. ©
SHEET 4 OF 5

FOSTER KALLINAGY
DARIEN, CONNECTICUT
APRIL 1, 2008
SCALE: 1" = 40 FT.



TO MY KNOWLEDGE AND BELIEF, THIS MAP IS SUBSTANTIALLY CORRECT AS NOTED HEREON, PREPARED TO CLASS A - 2 & V - 3 STANDARDS
JAMES E. McQuinn, L.L.S. Reg. No. 70680

PROPOSED BOTTOM OF PIER
ELEV. = 12.1

PROPOSED
STEP

H.T.L.

M.H.W.

M.S.L.

PROPOSED 4'x38'
FIXED PIER

M.L.W.

PROPOSED 3'x35' RAMP

EXISTING LEDGE

22.5' FROM H.T.L.
18.5' FROM M.H.W.

PROPOSED PILE
(TYPICAL)

CROSS SECTION B - B

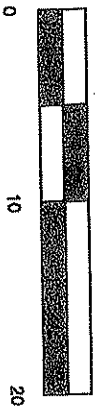
EXISTING GRADE

PROPOSED 3'x5' RAMP
SUPPORT FLOAT

PROPOSED 5'x17' FLOAT

H.T.L.
M.H.W.
M.S.L.
M.L.W.

1 inch = 10 ft.



PLANS ARE FOR PERMITTING
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USED FOR CONSTRUCTION.

H.T.L.	HIGH TIDE LINE - ELEV. 9.2
M.H.W.	MEAN HIGH WATER - ELEV. 7.1
M.S.L.	MEAN SEA LEVEL - ELEV. 3.5
M.L.W.	MEAN LOW WATER - ELEV. 0.0

DATUM: MEAN LOW WATER

WILLIAM W. SEYMOUR & ASSOCIATES, P.C.
LAND SURVEYORS ~ ZONING & LAND USE CONSULTANTS
170 NOROTON AVENUE ~ 203-655-3331 ~ DARIEN, CONN. ©

TO MY KNOWLEDGE AND BELIEF, THIS MAP IS
SUBSTANTIALLY CORRECT AS NOTED HEREON.
PREPARED TO CLASS A - 2 & V - 3 STANDARDS

SCALE: 1" = 10 FT.

APRIL 1, 2008

Jeffrey W. Seymour, Conn. L.L.S. Reg. No. 70580

FOSTER KALINAGY
DARIEN, CONNECTICUT
PROPOSED CROSS SECTION MAP
125 FIVE MILE RIVER ROAD
PREPARED FOR

OFFICE OF LONG ISLAND SOUND PROGRAMS

APPENDIX A

TO: Permit Section
Department of Environmental Protection
Office of Long Island Sound Programs
79 Elm Street
Hartford, CT 06106-5127

PERMITTEE:

Foster Kaali-Nagy
70 Pine Street
New Canaan, CT 06840

Permit No: 200904020-KF, Darien

CONTRACTOR 1:

Address:

Telephone #:

CONTRACTOR 2:

Address:

Telephone #:

CONTRACTOR 3:

Address:

Telephone #:

EXPECTED DATE OF COMMENCEMENT OF WORK: _____

EXPECTED DATE OF COMPLETION OF WORK: _____

PERMITTEE:

(signature)

(date)